

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

DIANE SMITH,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CIVIL ACTION NO.: CV507-054

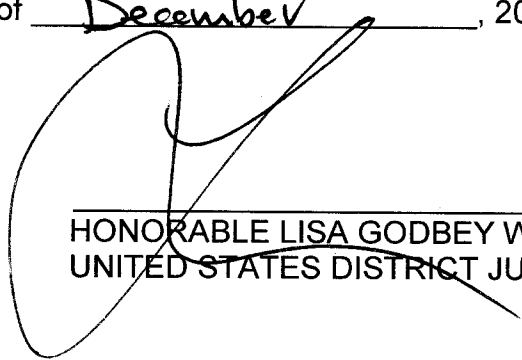
ORDER

Presently before the Court are Plaintiff's Objections to the Magistrate Judge's Report, wherein he recommended the decision of the Commissioner of the Social Security Administration be affirmed. In her Objections, Plaintiff contends the Administrative Law Judge ("ALJ") and the Magistrate Judge failed to: consider that Dr. Eaton was not provided with any of Plaintiff's school records; address all of the evidence found by Dr. Eaton; and comment on Dr. Eaton's statement that Plaintiff's intellectual testing scores were notably below average. Plaintiff further contends that the Magistrate Judge failed to give any valid basis for disregarding Dr. Eaton's statement that Plaintiff, "exhibited intellectual functioning in the extremely low range and her abilities in arithmetic and reading were consistent with intellectual ability in the borderline range." (Doc. No. 29, p. 3).

Plaintiff's Objections largely consist of reassertions of the contentions found in her original brief. These assertions were considered by the Magistrate Judge in reaching his recommendation that the decision of the Commissioner be affirmed. Additionally, Plaintiff appears to mischaracterize the role of the Court in Social Security cases. The role of the Court is to ensure that the ALJ's determination, and thus, that of the Commissioner, is supported by substantial evidence and that the proper legal standards were applied. This Court is not to reweigh or otherwise evaluate the evidence presented at the administrative level. See Dyer v. Barnhart, 395 F.3d 1206, 1210 (11th Cir. 2005) (noting that a reviewing court does not "decide facts anew, reweigh the evidence or substitute" its judgment for that of the Commissioner and that, even if the evidence preponderates against the Commissioner's factual findings, the court must affirm a decision supported by substantial evidence).

The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. The decision of the Commissioner is **AFFIRMED**. Plaintiff's Complaint is **DISMISSED**. The Clerk of Court is authorized and directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 3 day of December, 2008.



HONORABLE LISA GODBEY WOOD
UNITED STATES DISTRICT JUDGE